

Section VI

Authority and Enforcement of Noxious Weed Management Plan

I. Authority

The Utah Noxious Weed Act (Title 4, Chapter 17, Rule R68-09) provides for the control and management of noxious weeds in Utah. Private property owners, municipalities, and state agencies are subject to the provision of the Utah Noxious Weed Act. Federal agencies are subject to the provisions of the Federal Noxious Weed Act of 1974 (P.O. 93-629) as amended in 1990 (Section 15, Management of Undesirable Plants on Federal Lands). Under the 1990 amendment to the Federal Noxious Weed Act, federal agencies are directed to enter into agreements with appropriate state and local agencies to coordinate the management of noxious weeds. All land owners within the boundaries of Wasatch County are also subject to Wasatch County policies and ordinances applicable, as provided for by State Law concerning noxious weeds. (See Appendix B, D, D-1, H, H-1, H-2, I, & K)

II. Enforcement

Enforcement of the Wasatch County Weed Management Plan will be carried out through the procedures established in the Utah Noxious Weed Act. Under the Utah Noxious Weed Act, County Weed Control Boards, County Weed Supervisors and Field Representatives of the Utah Department of Agriculture Division of Plant Industry have authority for the enforcement of the provisions of

the act. The specific duties of each of these parties will be as outlined in the Handbook for County Weed Boards.

Before May 1, each year the county weed control board is to post a general notice of the noxious weeds within the county in at least three public places in the county and publish the notice in a newspaper or other publication of general circulation on at least three occasions. (See Appendix B)

The Utah Noxious Weed Act requires that all land owners or people in possession of property be responsible for the control of noxious weeds on their property.

Specific provisions of this law call for the control and prevention of the spread of noxious weeds by property owners or people in possession of property.

The Wasatch County Weed Control Board expects that all landowners and land managers take prompt action to control and prevent the spread of the noxious weeds located on their property. This action will be required two or more times each year as long as the infestation exists. Section 4-17-7(2), (3) of the Utah Weed Act states:

(2) If the County weed control board determines that particular property within the county requires prompt and definite attention to prevent or control noxious weeds, it shall serve the owner or the person in possession of the property, personally or by certified mail, a notice specifying when and what action should be taken on the property. Methods of prevention

or control may include definite systems of tillage, cropping, use of chemicals, and use of livestock.

(3) An owner or person in possession of property who fails to take measures to prevent and control the spread of noxious weeds in the served notice, is maintaining a public nuisance.

Any property owner who fails to make efforts in controlling noxious weeds on their property will be served this written notice declaring their property a public nuisance as outlined above. If further action is needed, then the procedures for taking corrective action on that property will be carried out as outlined in section 4-17-8.5 of the Utah Noxious Weed Act. Section 4-17-8 (1), (2) of the Utah Noxious Weed Act, states:

(1) If the owner or person in possession of property fails to take action to control or prevent the spread of noxious weeds within five working days after they declare the property a public nuisance, the county may, after reasonable notification, enter the property without the consent of the owner or the person in possession, and perform any work necessary, consistent with sound weed prevention and control practices, to control the weeds or declare the weed a public nuisance & handled as a misdemeanor." (See appendix D, D-1 and I)

(2) Any expense incurred by the county in controlling the noxious weeds is paid by the property owner of record or the person in possession of the property, as the case may be, within 90 days after receipt of the charges incurred by the county. If not paid within 90 days after notice of the

charges, the charges become a lien against the property and are collectible by the county treasurer at the time general property taxes are collected. (See Appendix d & d-1).

This procedure is consistent with County Ordinance Section 12.02.01. Failure to control noxious weeds is a public nuisance. In Wasatch County, maintaining a public nuisance is also a class C misdemeanor and shall be enforced as such. (See Appendix I).

Any property owner who is served with a notice to control noxious weeds may appeal the notice through the procedures outlined in section 4-17-8.5 of the Utah Noxious Weed Act. Hearings before county weed board - appeal of decision to Board of County Council - Judicial Review:

Any person served with notice to control noxious weeds may request a hearing to appeal the terms of the notice before the county weed control board within 10 days of receipt of such notice and may appeal the decision of the county weed control board to the board of county Council.

Any person served with notice to control noxious weeds who has had a hearing before both the county weed control board and the board of county Council may further appeal the decision of the board of county Council by filing written notice of appeal with court of competent jurisdiction.